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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,086	10/16/2003	Chung-I Chen	CU-3409 RJS	5505

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LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO, IL 60604

EXAMINER	
KRAUSE, JUSTIN MITCHELL	

ART UNIT	PAPER NUMBER
3682	

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/685,086	CHEN, CHUNG-I	
	Examiner	**Art Unit**	
	Justin Krause	3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 October 2003*.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-8* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *16 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a)☐ All b)☐ Some * c)☐ None of:
1.☐ Certified copies of the priority documents have been received.
2.☐ Certified copies of the priority documents have been received in Application No. _____.
3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: some reference characters are followed by figure references, however there are several instances where the character is not found in the referenced figure. Applicant is advised to review the specification and make corrections so the reference characters are found in the figures referenced, or remove the figure references from the specification.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka (US Patent 6,446,529).

Tanaka discloses a bicycle pedal assembly comprising:

-a pedal shaft (20);

-a unitary pedal body (10) including a shaft tube (38) sleeved rotatably on said pedal shaft, two aligned front wings (41a, 41b) extending frontwardly from said shaft tube, and two aligned rear wings (42a, 42b) extending rearwardly from said shaft tube;

-a front cleat-retaining member (24) disposed in front of said shaft tube and between said front wings and having a middle portion with a curved front cleat-limiting surface facing said shaft tube, two side portions formed respectively with two rearwardly and outwardly inclined cleat-guiding surfaces that face said shaft tube, that are disposed below said front cleat-limiting surface, and that are located at two sides of said front cleat-limiting surface,

-a limiting groove (30) disposed under said middle portion and between said side portions,

-two front fixing (62, 64 (fig 10)) portions connected respectively and threadedly to said front wings, and

-a rear fixing (66) portions connected threadedly to an assembly of said shaft tube and said front wings and located behind said front fixing portions;

-a rear cleat-retaining member (26) mounted pivotally between said rear wings so as to define a cleat-retaining space among said front and rear cleat-retaining members and said shaft tube;

-a unitary cleat (14) confined within said cleat-retaining space and having a front end engaging portion (104) that engages said front cleat-retaining member and that is retained between said front cleat-retaining member and said shaft tube, and a rear end engaging portion (106) that engages said rear cleat-retaining member and that is retained between said rear cleat-retaining member and said shaft tube, said front end engaging portion having a wide lower portion (104) that is inserted into said limiting groove in said front cleat-retaining member at a front end thereof and that has two rearwardly and outwardly inclined side surfaces abutting respectively against said inclined cleat-guiding surfaces of said side portions of said front cleat-retaining member, and a narrow upper portion (112) formed on an intermediate portion of said wide lower portion and abutting against said curved front cleat-limiting surface of said front cleat-retaining member at a front end thereof; and

-a biasing member(30) for biasing said rear cleat-retaining member to turn frontwardly so as to clamp and fix said cleat between said rear cleat-retaining member and said pedal body, said cleat being swingable forcibly in a horizontal plane to move said inclined side surfaces of said front end engaging portion of said cleat along said inclined cleat-guiding surfaces of said front cleat-retaining member so as to permit removal of said cleat from said front cleat-retaining member.

While Tanaka does not disclose a second rear fixing portion, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a second rear fixing portion. Applicant has not disclosed that having the second rear fixing portion as critical to solving any stated problem or is for any stated purpose, and appears the device would perform equally well with a single rear fixing portion.

Regarding claim 2, the front cleat-retaining member is unitary (see fig 10), each of said middle portion (60), said side portions, and said front and rear fixing portions of said front cleat-retaining member being shaped as a rod, said middle portion having two opposite ends that are connected respectively to said front fixing portions, said rear fixing portions extending respectively and rearwardly from said front fixing portions, said side portions extending respectively, inwardly, and frontwardly from said front fixing portions.

Regarding claim 3, said pedal body further includes two internally threaded front posts (54, 52, fig 7), each of which extends integrally and upwardly from a front end of a corresponding one of said front wings and is formed with a threaded hole at an upper end surface thereof (see fig 14), and an internally threaded rear post (54), each of which extends integrally and upwardly from a junction between said shaft tube and the corresponding one of said front wings and is formed with a threaded hole in an upper end surface thereof, each of said front and rear fixing portions of said front cleat-retaining member having a top surface that is formed with a counterbore, said front cleat-retaining member further having two headed front bolts (34), each of which extends through a respective one of said counterbores (55) in said front fixing portions of said front cleat-retaining member and engages a respective one of said threaded holes in said front posts of said pedal body, and a headed rear bolt (34), which extends through a said counterbore in said rear fixing portion of said front cleat-retaining member and engages a respective one of said threaded holes in said rear posts of said pedal body.

Regarding claim 4, said top surfaces of said rear fixing portions of said front cleat-retaining member are disposed below and are spaced apart from said top surfaces of said front fixing portions of said front cleat-retaining member by a predetermined distance, and support said cleat thereon. (fig 2, 65, 65a)

Regarding claim 5, the pedal body is made from aluminum alloy. (Col 7, line 17)

Regarding claim 6, Tanaka specifies that the pedal body is preferably made of a lightweight metallic material. Magnesium alloy is known within the art as a lightweight metallic material suitable for use in a pedal body, it therefore would have been obvious to one of ordinary skill in the art at the time the invention was made, to use magnesium alloy as a material for the pedal body. Steinberg (US 2001/0047697) teaches that either aluminum or magnesium alloy is a suitable material for a pedal body. (paragraph 0026)

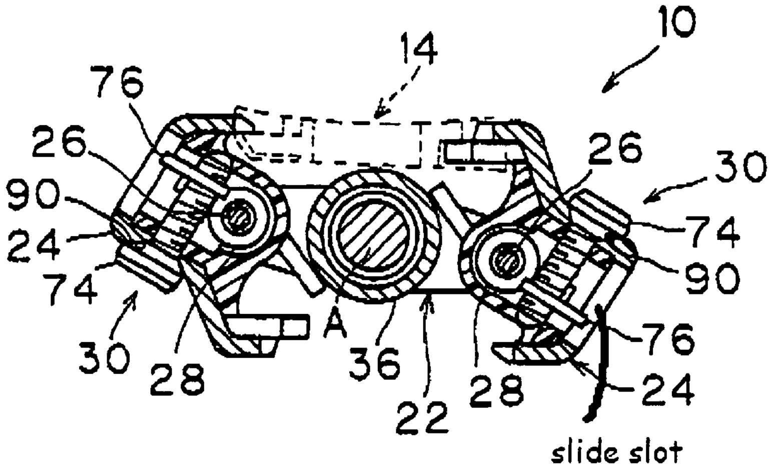
Regarding claim 7, said rear cleat-retaining member includes: a top wall (70) having an inner side, an outer side, and a curved rear cleat-limiting surface (74) disposed between said inner and outer sides; an upright inner side wall (76a) extending integrally and downwardly from said inner side of said top wall and formed with a frontwardly extending projection and an inner pivot hole; an upright outer side wall (78a) extending integrally and downwardly from said outer side of said top wall and formed with an outer pivot hole; a bottom wall (72) extending inwardly from a lower end of said outer side wall; and a horizontal pivot (28) extending through said inner pivot hole in said inner side wall and said outer pivot hole in said outer side wall and into said rear wings; said bicycle pedal assembly further including an adjusting unit that includes: an adjustment bolt (90) extending through said bottom wall of said rear cleat-retaining member; and an adjustment nut (92) engaging said adjustment bolt and located between said bottom wall and said top wall; said biasing member being configured as a coiled torsional spring (80) that has an inner end (84) pressing against said shaft tube, and an outer end (86) disposed between said adjustment nut and said bottom wall of said rear cleat-retaining member and pressing against said adjustment nut so as to press said projection of said rear cleat-retaining member against said pedal body.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka in view of Ueda (US Patent 6,012,356).

Tanaka discloses all of the claimed subject matter as described above, including an adjustment device for adjusting the tension on the rear cleat retaining member, but does not disclose said outer side wall of said rear cleat-retaining member is formed with a slide slot therethrough, said bicycle pedal assembly further including: a scale disposed on said outer side wall near said slide slot; and an indicating element formed integrally with said adjustment nut and received slidably in said slide slot so as to prevent rotation of said adjustment nut relative to said rear cleat-retaining member and so as to permit movement of said adjustment nut relative to said rear cleat-retaining member during adjustment of said adjustment bolt.

Ueda teaches said outer side wall (24) of said rear cleat-retaining member (30) is formed with a slide slot therethrough (fig 5, see below), said bicycle pedal assembly further including: a scale disposed on said outer side wall near said slide slot; and an indicating element (76) formed integrally with said adjustment nut and received slidably in said slide slot so as to prevent rotation of said adjustment nut relative to said rear cleat-retaining member and so as to permit movement of said adjustment nut relative to said rear cleat-retaining member during adjustment of said adjustment bolt that acts as a tension indicator for the user to determine the amount of tension applied by the biasing member. (Col 9, lines 14-33)

Fig.5



It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a visible indicator for the user to determine the amount of tension applied by the biasing member as taught by Ueda and incorporate such a feature into the device of Tanaka. With respect to the scale disposed on the out side wall near the slide slot, official notice is taken that it is well known within the art to use a scale to equate the position of an indicator to a value such as tension of a biasing spring.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin Krause whose telephone number is 571-272-3012. The examiner can normally be reached on Monday - Friday, 7:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMK
3/31/06

CHONG H. KIM
PRIMARY EXAMINER